

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATIONS
OR ITS AGENTS

DO NOT WRITE IN THIS SPACE

Case
13-CD-200164

Date Filed
6/6/17

INSTRUCTIONS: File an original together with four copies and a copy for each additional charged party named in item 1 with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name National Production Workers Union, Local 707		b. Union Representative to contact (b) (6), (b) (7)(C)
c. Telephone No. 630-575-0560 Fax No.	d. Address (Street, city, state, and ZIP code) 1420 Kensington Rd Oakbrook, Illinois 60523	

e. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 8(b)(4) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

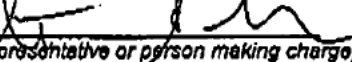
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or before May 31, 2017, the above referenced Labor Organization has threatened to picket the above named employer in violation of Section 8(b)(4) of the National Labor relations Act.

3. Name of Employer Empire Cooler Services, Inc.		4. Telephone No. 312 733-3900 Fax No.
5. Location of plant involved (street, city, state and ZIP code) 940 W. Chicago Ave Chicago, IL 60642-5494		6. Employer representative to contact Richard Klaskin, CEO
7. Type of establishment (factory, mine, wholesaler, etc.) Constr. - Supplies & Fixtures	8. Identify principal product or service Ice Machines	9. Number of workers employed 50
10. Full name of party filing charge Richard Klaskin, Empire Cooler Service, Inc.		
11. Address of party filing charge (street, city, state and ZIP code.) 940 W. Chicago Ave Chicago, IL 60642-5494		12. Telephone No. 312-733-3900 Fax No.

13. DECLARATION

I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.

By 
(signature of representative or person making charge)

Scott A. Gore
(Print/type name and title or office, if any)

Address 515 N. State Street, Suite 2800
Chicago, IL 60654-4688

(Fax) 312-467-9479
312-467-9800 06/06/17
(Telephone No.) (date)

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

**NATIONAL PRODUCTION WORKERS UNION,
LOCAL 707 (EMPIRE COOLER SERVICES, INC.)**

and

Case 13-CD-200164

EMPIRE COOLER SERVICE, INC.

NOTICE OF CHARGE FILED

PLEASE TAKE NOTICE that the attached charge has been filed alleging that National Production Workers Union, Local 707 has violated Section 8(b)(4)(D) of the National Labor Relations Act. The charge will be investigated by the Regional Office of Region 13. If the charge is found meritorious, the National Labor Relations Board will hear and determine the work jurisdiction dispute involved in the charge pursuant to Section 10(k) of the Act unless, within 10 days of the receipt of this notice, the parties to the dispute submit to the Regional Office satisfactory evidence that they have adjusted the dispute or have agreed to a voluntary method of adjustment.

Dated: June 7, 2017

/s/ Peter Sung Ohr

Peter Sung Ohr
Regional Director
National Labor Relations Board
Region 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341



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June 7, 2017

(b) (6), (b) (7)(C)

National Production Workers Union, Local 707
1420 Kensington Road
Oakbrook, IL 60523

Re: National Production Workers Union,
Local 707
(Empire Cooler Services, Inc.)
Case 13-CD-200164

Dear (b) (6), (b) (7)(C):

Investigator: This charge is being investigated by Field Examiner Clinton M. Newman whose telephone number is (312)353-0306 and e-mail address is clinton.newman@nlrb.gov. If the Board agent is not available, you may contact Supervisory Field Examiner Paul Prokop whose telephone number is (312)353-7171.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. **In cases such as this one, we try to complete our investigation within 72 hours of filing the charge.** Therefore, I urge you or your representative to **immediately** submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

June 7, 2017

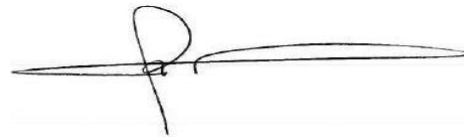
We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to be "Peter Sung Ohr", written over a horizontal line.

Peter Sung Ohr
Regional Director

CMN/dg
Enclosures

1. Copy of Charge
2. Notice of Charge Filed



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341



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June 7, 2017

Richard Klaskin, CEO
Empire Cooler Service, Inc.
940 West Chicago Avenue
Chicago, IL 60642-5494

Re: National Production Workers Union,
Local 707
(Empire Cooler Services, Inc.)
Case 13-CD-200164

Dear Mr. Klaskin:

The charge that you filed in this case on June 6, 2017 has been docketed as case number 13-CD-200164. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Clinton M. Newman whose telephone number is (312)353-0306 and e-mail address is clinton.newman@nlrb.gov. If the Board agent is not available, you may contact Supervisory Field Examiner Paul Prokop whose telephone number is (312)353-7171.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. We seek to resolve labor disputes promptly and, in cases such as the one you filed alleging a violation of Section 8(b)(4)(D) of the Act, **we expect you to provide your affidavit(s) and other evidence within 24 hours of filing the charge.** If you have not yet scheduled a date and time for the Board agent to take your affidavit, please immediately contact the Board agent to

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schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not emailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlrb.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Peter Sung Ohr', with a long horizontal line extending to the right.

Peter Sung Ohr
Regional Director

CMN/dg
Enclosures

1. Copy of Charge
2. Notice of Charge Filed
3. Commerce Questionnaire

cc: Scott Gore, Attorney
Laner Muchin
515 North State Street, Suite 2800
Chicago, IL 60654-4688

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

National Production Workers
Union Local 707 (EMPIRE
Cooler Services, Inc.)
and
EMPIRE Cooler Services, Inc.

CASE 13-CD-200164

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF

National Production
Workers Union Local 707

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Patrick J. Callahan
MAILING ADDRESS: 53 W. Jackson Blvd - Suite 1534
Chicago, Illinois 60604
E-MAIL ADDRESS: pcallahan@shcglobal.net
OFFICE TELEPHONE NUMBER: (312) 922-3113
CELL PHONE NUMBER: 847-921-2060 FAX: 312-922-7506
SIGNATURE: Patrick J. Callahan
(Please sign in ink.)
DATE: June 8, 2017

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlrb.gov
Telephone: (312) 353-7570
Fax: (312) 886-1341

June 13, 2017

Scott Gore, Attorney
Laner Muchin
515 N. State St., Ste. 2800
Chicago, IL 60654-4688

Re: National Production Workers Union, Local
707 (Empire Cooler Services, Inc.)
Case 13-CD-200164

Dear Mr. Gore:

We have carefully investigated and considered your charge that National Production Workers Union, Local 707 has violated the National Labor Relations Act.

Decision to Dismiss: I am declining to issue a notice of hearing, as provided in Section 10(k) of the Act, and I am dismissing your charge for the reasons discussed below.

You have alleged that since on or before May 31, 2017, National Production Workers Union, Local 707 ("Union") has threatened to picket the Employer in violation of Section 8(b)(4) of the National Labor Relations Act.

The investigation disclosed that the Union did threaten to picket the Employer after learning of the possibility that certain unit work might be reassigned to another union. However, because the Union previously won a Board election and was thereafter certified as the exclusive Section 9(a) collective bargaining representative of the bargaining unit employees in case 13-RC-165004, the Union's conduct does not fall under the proscriptions described in Section 8(b)(4)(D), or any other section of the National Labor Relations Act. Rather, the Union's threat was made in furtherance of its status as the certified bargaining representative of the Employer's employees.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

June 13, 2017

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **June 27, 2017**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than June 26, 2017. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before June 27, 2017**. The request may be filed electronically through the **E-File Documents** link on our website www.nlr.gov, by fax to (202) 273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after June 27, 2017, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required

June 13, 2017

by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Peter Sung Ohr

Peter Sung Ohr
Regional Director

Enclosure

cc: Patrick J. Calihan, Esq.
Law Offices of Patrick J. Calihan
53 W. Jackson Blvd., Ste. 1534
Chicago, IL 60604-3779

(b) (6), (b) (7)(C)

National Production Workers Union,
Local 707
1420 Kensington Rd.
Oakbrook, IL 60523

Richard Klaskin, CEO
Empire Cooler Service, Inc.
940 W. Chicago Ave.
Chicago, IL 60642-5494

Nicollette L. Khuans, Associate Attorney
Johnson & Krol, LLC
311 S. Wacker Dr., Ste. 1050
Chicago, IL 60606-6627

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)